

THAW JURY HAS NOT YET AGREED

Long Night Vigil and Many Hours of Argument Fail to Get a Verdict.

JURYMEN SHOW THE STRAIN

Two of Them Are Almost on the Verge of Collapse, but Hold to Their Views.

DEFENDANT IS VERY CHEERFUL

He Writes a Note to the Reporters—Evelyn Nesbit Thaw's Testimony and the Evidence of Other Witnesses Read to the Jury.

After deliberating for many hours without being able to reach an agreement, the jury into whose hands the fate of Harry K. Thaw was given at 5:17 o'clock yesterday afternoon reported before Justice Fitzgerald at 11 a.m. today, and asked permission to examine a large number of the exhibits introduced during the trial, and also asked to have read to it the testimony of several of the eye-witnesses to the tragedy. The reading of this evidence took several hours.

The strain under which the jurors had labored since their retirement yesterday afternoon was plainly written upon their faces. Their eyes were red, their cheeks a chalky white, and the whole effect one of haggardness. It was evident that sleep had been a stranger to their consultation room last night. Jurors Pink and Steele seemed especially to have suffered in the long vigil. During the long time it required the court stenographer to read the testimony they desired the jurymen lounged back in their chairs and appeared to keep awake only with the greatest effort.

When Harry Thaw was called to the bar he entered the room with a quick stride and bright eyes, and carrying half a dozen morning newspapers. His manner and appearance bore out the statements of his counsel earlier in the day that he apparently was in better shape physically than any other person connected with the long and tedious trial.

The jury retired again to resume its deliberations at 1:30 p.m., after having listened to the reading of testimony for two hours and a half.

Special Dispatch to The Star.

NEW YORK, April 11.—The jury in the case of Harry K. Thaw had still failed to agree at 2:30 o'clock this afternoon as to its verdict.

The case had been given into the jury's hands at 5:17 o'clock last night, and at noon the jurors had, therefore, been deliberating nearly nineteen hours. Justice Fitzgerald adjourned court last night until 10:30 o'clock this morning, and promptly at that hour he took his seat upon the bench. The jury did not file in at once, but sent in a request to be allowed to see certain exhibits in the case and to hear certain testimony read.

After the court had received the message from the jury Thaw was sent for and came into court. The jurors filed in at 10:55 o'clock, and the foreman made the formal request that the following exhibits be given into the hands of the jury: The plans of the Madison Square garden, where the tragedy occurred; defendant's exhibits A to I, consisting mostly of letters; Thaw's will and codicil; Thaw's letter to Anthony Comstock, and both the hypothetical questions of Mr. Delmas and Mr. Jerome. The list of exhibits also included some pictures of Thaw's studio. The jurors also asked that the evidence of Meyer Cohn be read to them. This was done, and after receiving the exhibits the jurors returned to the jury room.

Thaw Pale and Sullen.

Thaw came into court pale and sullen. He carried his overcoat and a big bundle of newspapers under his arm. His smile as he went to his chair was not as sturdy as it was during the other days. There had been reports that he had passed a good night, but his face did not show it. It was drawn, and there were deep rings under his eyes. Not long after he was seated at his counsel's table a slight flush stole over his face and he spoke with a show of animation with A. Russell Peabody of his counsel, who as usual sat close to him. Thaw's women relatives had been in court a few minutes before the defendant was brought in. Evelyn Nesbit Thaw led the way as they entered. After her came Mrs. William Thaw and the Countess of Yarmouth. The young wife of the prisoner wore her blue dress in which she was garbed when she took the stand and told

her distressing story in her husband's behalf. There was the same broad white collar. The big hat of velvet which, while she was giving her testimony, added to the school-girl effect, had given way to a flat hat of black straw, about which was a thin black veil. The young woman looked plainly worried, and her smile as she greeted her husband was rather sad.

Delmas Hopeful.

Lawyer Delmas, who invented "dementia Americana," was among those crushed through with the advance crowd. The Californian was as suave and smiling as ever. His voice was as clear as if he had not talked for more than six hours two days before. He had nothing to say about the probable outcome, except that he was "hopeful." Thaw's other attorneys had been in the building early, but busied themselves for the most part with looking after the women members of the Thaw party. Later John B. Gleason, who opened the case for Thaw, came into court, to be followed by Daniel O'Reilly.

District Attorney Jerome was at his seat inside the rail ready for the outcome. With him was Assistant District Attorney Frank Garvan, whose burden during the case has been a heavy one. Mr. Garvan has been continuously at work on it since June 25 of last year. He has taken more than 400 statements, and has heard stories running up into the thousands. From all this the mass of evidence that has been presented against the defendant has been sifted.

The jury asked that the evidence of certain witnesses be read, which was done by the clerk in a droning, monotonous voice. The first evidence read was that of Meyer Cohn, one of the witnesses of the shooting, and after that the evidence of another eye-witness, Henry F. Blaize.

Asked for Exhibits.

By asking that the testimony be read it looked to those in the court room as if the jury might be trying to determine with what degree of deliberation Thaw shot White.

When the jurors took their seats Justice Fitzgerald said: "A communication from the jury saying, 'Kindly let us have the following for examination: First, the plan of the roof garden; second, defendant's letters, Exhibits A to I; third, the Comstock letter; fourth, to I; will and codicil; fifth, the Delmas hypothetical question, and sixth, the Jerome hypothetical question.'"

"I have no objection," said Mr. Jerome. Juror No. 1 got up to ask if they might not have the transcript of the letters and will. It was decided to give them both the transcripts and the originals.

While the clerk was reading the testimony one of the district attorney's clerks held up the diagram on the rail in front of the jurors. The jury listened to the reading with most concentrated attention. The jurors also wanted to hear the testimony of Paul Brudi, the fireman, who took Thaw's revolver away from him. It was apparent that the jurors were not quite clear on what had occurred before the shooting, and wanted light on his (Thaw's) actions before the killing, for they also wanted the evidence of Warren Paxton, who had been another witness to the occurrences of the night of June 25.

Then a juror asked for the reading of the evidence of James Clinch Smith, White's brother-in-law, who testified to Thaw's conversation with him before the tragedy.

Police Learn Lesson.

The police had learned their lesson from yesterday's crowd, and the corridors of the criminal courts building looked more like the halls of a court house and less like a foot ball field than they did yesterday. The corridors were swept clear of all those who did not have some valid excuse for being there. Consequently the crowd which yesterday filled the corridors today gathered in the streets outside the building.

Franklin street was full of a gaping crowd of men and women who stood at attention, as if something was likely to leak out through the cracks of the windows or under the sills of the doors. Every time anybody who looked like one whose picture the crowd had ever seen went into the building there was a rush to look at him.

Every lawyer who had a case in the building today got more attention than if he had been a pitcher on a championship baseball team.

Watched the Bridge.

Over in White street there was another crowd watching the Bridge of Sighs. None of them knew exactly what he expected to see, but each one surely anticipated seeing something and was on his toes every minute. Every time there was a shadow cast on the bridge from the Tombs to the court building some one would yell, "There he comes!" But "he" did not come, and the crowd still waited expectantly.

There were rumors of all sorts, and it was possible to hear almost any report as to the way the balloting of the jury stood. One fountainhead of rumor scattered the report that the jurors had been voting 10 to 2 in favor of acquittal and that the two disagreeing ones were holding out for murder in the first degree. Another rumor had the jury 6 to 6, and still another report had it that



THE ONLY WAY.

the jury stood 10 to 2 for conviction in one of the degrees of manslaughter. One man in the crowd went around saying that he understood that the jury stood 9 for acquittal, 2 for conviction and 1 for disagreement, and believed what he said. Thaw was about as substantial as most of the rumors.

Had a Hard Night.

One thing, however, was apparent when the jurors left the room at 7 o'clock this morning and went to the Broadway Central for breakfast. The jury had a hard night of it. Some of the jurors looked as if they might have slept a little and others as if they had had no sleep at all and a lot of worrying during the night hours. This was said to indicate that one or two of the jurors were hanging out against the others.

Usually when this happens in the case of a jury the majority divides itself into shifts, some of whom argue with the men who disagree while the others sleep. This, it was said, would account for the fact that some of the two men looked more tired than others.

At 8:45 o'clock the jury finished breakfast and walked back from the Broadway Central to the criminal courts building, escorted by the officers sworn in especially for that purpose. It came down to Lafayette street, crossed through to the criminal courts building and went directly back to the jury room. The jurors were apparently in a happy mood, for they laughed and chatted together as they walked down in the sunshine.

There were those who took this as an omen that they had reached an agreement. The only incident that happened on the way was when a newsboy held up a paper with "disagreement" smeared all over its first page for them to see. Capt. Lynch pushed the boy out of the way, but did not arrest him.

Thaw's Statement.

Thaw prepared a statement this morning to be given to the public. He wrote it himself with a lead pencil, and gave it to Deputy Warden John Hanley, with instructions that it might be copied, but should not leave Mr. Hanley's hands. The exact wording of the statement was as follows: "I am told it is impossible to tell what any jury will do, so I am attending to my ordinary affairs, but preparing for the best, as it is simpler to unpack my things, if necessary, than it would be to return here for them if the verdict is favorable. I had a very good cold bath. The bath room is always filled with fresh air early in the morning, the same temperature as outdoors. I had weak coffee and rolls, as usual. These details must have interested us, as they are often misstated."

"HARRY K. THAW."

While the testimony as to the events on the garden roof was being read Thaw's eyes wandered to the faces of the jury, as if he were trying to read their minds. The jurors never glanced at him. Most of them leaned their heads on their hands, all giving the most concentrated attention to the reading. They were much more deeply absorbed in this repetition of familiar evidence than they had been when it was originally given from the witness box.

Much Interested.

When Justice Fitzgerald made it known that the jury wanted to hear the testimony of James Barrett, doorman in the West 30th street police station, about Thaw's hearing voices of girls while he was in his cell in the station house after the shooting, Thaw leaned far forward and became more interested than ever. He held his head to one side as if to hear

GOLD OPENING FOR FANS

WEATHER NEAR FREEZING POINT FOR FIRST BALL GAME.

CHICAGO, April 11.—The base ball season of the National League for 1907 will open here this afternoon with a game between the Chicago and St. Louis clubs. Weather conditions were anything but the base ball variety, the thermometer registering near the freezing point. On account of the cold considerable uncertainty existed regarding the batteries of the two teams. Manager Chance of the Chicago team announced, however, that either Lindgren or Pfeister would occupy the box for the home team, with the order slightly in favor of the former, while Moran or Kling will do the backstop work. Froehne or Karger will probably pitch for St. Louis, with Marshall behind the bat.

Game Postponed at Boston.

BOSTON, April 11.—The opening base ball game of the season, between the Boston and Brooklyn teams of the National League, scheduled here for today, was postponed on account of the cold weather and unsuitable grounds. If conditions are favorable the game will be played tomorrow.

Threatening Weather at St. Louis. ST. LOUIS, Mo., April 11.—Lowering clouds and a cold wind threatened this forenoon to prevent the opening base ball game between the American League clubs of Chicago and St. Louis. By noon the conditions were more promising. The batteries will be: St. Louis, Howell and Buelow; Chicago, Walsh and Sullivan.

Better Condition for Southern Farmers' Union. A special agent of the United States Department of Agriculture, who was in the city for the purpose of inspecting the work of the Southern Farmers' Union, left for his home in Mississippi today.

Cloudy Sky at Detroit.

DETROIT, Mich., April 11.—The base ball season opened at Bennett Park this afternoon with a game between the Detroit and Cleveland teams, under a cloudy sky, and with the temperature about 40 degrees. Interest is great and soon after noon scores of enthusiasts began passing into the park. Detroit will present either Mullin or Slevier and Cleveland either Schmidt or Payne catching, and for Cleveland either Liehardt or Jess will pitch to Clark or Bemis.

Great Interest at Cincinnati.

CINCINNATI, Ohio, April 11.—Cool and cloudy weather did not seem to effect the interest in the opening of the National League base ball season by the Pittsburgh and Cincinnati clubs. Preceding the game a hand concert was announced, and an address by Mayor Dempsey to the two clubs. The batteries announced were Ewing and Schiefel for Cincinnati and Philippe and Gibson for Pittsburgh. The two bleachers began to fill as early as noon.

RESIGNATION CONFIRMED.

Retirement of Rev. Dr. Steele in New York a Surprise.

NEW YORK, April 11.—The report that the Rev. Dr. James N. Steele of 22 West 73d street has resigned from the vicarship of Trinity Church, at Broadway and Wall street was confirmed yesterday by the Rev. Dr. Morgan Dix, rector of the church. That the resignation was sudden and unexpected by every one connected with the parish was evident from the fact that Dr. Steele's resignation was not even known by his son and daughter until it was announced this morning at 1 o'clock this morning from a stroke of apoplexy, after attending the annual performance of Schenectady's Sing and Song Club. Gen. Eugene Griffin was born in Ell

GEN. GRIFFIN DEAD.

He Served in the Civil and Spanish-American Wars.

Schenectady, N. Y., April 11.—Gen. Eugene Griffin, first vice president of the General Electric Company, died at the Mohawk Club at 1 o'clock this morning from a stroke of apoplexy, after attending the annual performance of Schenectady's Sing and Song Club. Gen. Eugene Griffin was born in Ell

OGDEN RE-ELECTED PRESIDENT.

Officers Chosen for Conference for Education in the South. PINBURST, N. C., April 11.—The Conference for Education in the South today elected officers, as follows: President, Robert C. Ogden, New York; vice president, J. Gundy Jordan, Georgia; secretary, B. J. Baldwin, Alabama; treasurer, William A. Blair, North Carolina. Executive committee, S. C. Mitchell, Virginia, chairman; W. H. Hand, South Carolina; S. A. Mynders, Tennessee; George J. Ramsey, Kentucky; Harry Hodgson, Georgia; Erwin Craighead, Alabama; Paul H. Saunders, Mississippi; James H. Dillard and John H. Hineon, Arkansas.

Better Condition for Southern Farmers' Union. A special agent of the United States Department of Agriculture, who was in the city for the purpose of inspecting the work of the Southern Farmers' Union, left for his home in Mississippi today.

TROOPS PATROL PARIS.

Precautions Taken to Prevent Any Strike Disturbance. PARIS, April 11.—Up to 11 o'clock this morning there was no indication that a strike movement had begun here. The stores were open as usual, but bicycle police patrolled the principal thoroughfares and the public buildings were heavily guarded by detachments of the Republican Guard of regular infantry, companies of which occupy the interior of the various town halls, while at the barracks in the vicinity of the labor exchange a battalion of infantry was kept under arms.

DON'T LIKE ORATORY.

English Newspapers Criticize Delmas and Jerome. LONDON, April 11.—The Evening Standard, in an editorial article headed "Dementia Americana," says, referring to the comparison between certain aspects of English and American justice, which is provoked by the Thaw trial, that the oratory of Delmas and Jerome, in addressing the jury, suggests a contrast more significant than any previously observed. It says: "The nature of this oratory will produce a pretty general agreement among English readers. It is what may be vulgarly described as flimflam. Delmas was either the greater sinner or the greater artist. The description of the student in London, who was convicted of the murder of his friend, is a masterpiece of flimflam. Each flung his flowers of rhetoric right and left hour after hour, and wandered thunderously in a field of verbiage."

AMERICANS SENTENCED.

Convicted in London for Stealing Diamonds. LONDON, April 11.—Two Americans, W. H. Bruce and John Williams, were sentenced at Brighton today to three years' imprisonment for stealing diamonds valued at \$15,000 from a jeweler's shop. Rebecca Marking, also American, was convicted of being an accomplice in the crime and was sentenced to two years.

Will Attack Two-Cent Fare.

LINCOLN, Neb., April 11.—That the Nebraska railroads intend to attack the two-cent fare law in Nebraska seems apparent from the annual report of the Nebraska lines of Great Northern railroad, which has just been filed with the state board of equalization and which shows a loss of \$2,505 a mile over the 120 miles of road. It has leaked from railroad circles that the fight would be made with that road on a basis, and if the railroads can show that the two-cent law cannot be put in effect on a great Northern road, the Nebraska legislation the law will be declared by the courts void for all roads.

After Roosevelt.

Special Dispatch to The Star. CHICAGO, Ill., April 11.—The President of the United States may find his name at the head of the "We Don't Patronize" list of the Chicago Federation of Labor if he fails to answer a telegram sent him by the executive committee of that organization yesterday demanding that he should go on record in regard to statements attributed to him to the effect that Haywood and Moyer, with Harriman, Hearst and Debs, are undesirable citizens. A telegram has been sent to the President asking him to affirm or deny newspaper reports on the subject. In the event of the former he will be black-listed.

TO REMOVE THE SLUR

Determination of War Department Officials.

UNIFORM TO BE DEFENDED

Proposed to Prosecute Acts of Discrimination.

RECENT CASE AT PLATTSBURG

Soldiers Denied Admission to a Skating Rink—Attorney General's Opinion Requested.

The War Department is determined to pursue to the end of its legal resources the effort to remove the slur cast upon the uniform of the American soldier by the decision of the local magistrate at Plattsburg, N. Y., that Sergeant Higgins and the soldiers who accompanied him when they were refused admission to a skating rink in that town had no case warranting the imposition of a penalty upon the proprietors of the place. Acting Secretary Oliver wrote a letter today to the Attorney General asking his help in the prosecution of this case. The letter states in detail the provisions of the bill of rights of the state of New York prohibiting discrimination against any person by keepers of places of entertainment, and the Attorney General is requested to give an opinion upon the point whether or not, the local magistrate having declared that the keepers of the rink were not subject to penal punishment, they still can be reached by a suit for monetary damages. In case of an affirmative answer the Department of Justice is requested to authorize the proper attorney for the United States to appear for the soldiers in the prosecution.

Gen. Oliver's Statement.

In explanation of his request Acting Secretary Oliver says: "One who enters the military service, either by enlistment or appointment, agrees to submit to such restrictions upon his freedom of movement, occupation and contract as are incident to the status which he has thus voluntarily assumed. In doing so he voluntarily surrenders some of the rights and privileges of citizenship, but as to other privileges he makes no waiver or surrender; and it is clear that it is not within the power of the state, through its legislature or courts of justice, to deprive such officer or enlisted man of any of the rights of citizenship which remain in him or have been surrendered for his respect to the laws of the United States in the operation of his appointment or enlistment contract."

Leaves Tomorrow for His Home in Danville.

Speaker Cannon will leave tomorrow for his home in Danville, Ill., where he will put in the most of his time this summer. There is some spring plowing to be done and quite a lot of chores around the place that he intends to take off his coat and pitch into.

CHARGES OF BRIBERY.

President of the United Railroads Promises a Statement. SAN FRANCISCO, April 11.—Patrick Calhoun, president of the United Railroads, has arrived here from the east, according to the Chronicle, and it is said he authorized the statement that he would give out an interview today in regard to the charges made against the company of bribery in connection with the trolley franchise in San Francisco.

TO GO HARD WITH STUDENTS.

Expulsion to Be Sequel to Recent Theater Escapade. CAMBRIDGE, Mass., April 11.—Expulsion from Harvard is expected to be almost certain for the youths convicted of a "rough house" at the Majestic Theater at the performance of "Brown of Harvard." A week from next Tuesday the Harvard administrative board will decide upon the students' cases at its regular meeting.

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